



MINUTES

City Council Regular Meeting
July 21, 2020 - 7:00 PM

1. CALL TO ORDER

Mayor Pro-Tem Clark called the meeting to order at 7:00 p.m.

2. PLEDGE

3. ROLL CALL

Mayor:	Brian Rudy – Absent
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

4. RECOGNITION

- A. Planning Commission Recognition
May Pro-Tem Clark recognized Ms. Linn and Mr. Bernardo for their services to the community. Ms. Linn was present and accepted her plaque. Mr. Bernardo was absent and unable to accept his plaque.
- B. Water & Sewer Board Recognition
May Pro-Tem Clark recognized Mr. James Krenzel who served on the Water and Sewer board. He was present and accepted his plaque.
- C. Police Department Recognition: Life-Saving Awards and Medals
Police Chief, Rick Brandt, recognized Officer Luis Garcia, Officer Troy McDaniel, Officer Todd Ediger, Officer Jason Schissler and Officer Jason Peppas with Life-Saving Awards. Officers Luis Garcia, Troy McDaniel, and Todd Ediger were present and accepted their awards. Officers Jason Schissler and Jason Peppas were absent and unable to accept their awards.

5. AUDIENCE PARTICIPATION

There was no audience participation

6. APPROVAL OF AGENDA

Mr. Becklenberg advised Council that a Council Member has requested the July 7, 2020 minutes be amended. He requested that item 7A be removed from the consent agenda so that they can receive separate consideration from the Council.

Council Member Speer made the motion, seconded by Council Member Johnson to approve the agenda as amended. The motion passed with all voting in favor thereof.

7. CONSENT AGENDA

- B. Consideration of Ordinance Number 725-20 An Ordinance Amending the 2020 Budget (2nd Reading)
- C. Consideration of Ordinance No. 726-20 an Ordinance Amending Chapter 13.24 to Protect the Public Water System from Contaminants or Pollutants that Could Enter the Distribution System by Backflow (2nd Reading)
- D. Consideration of Ordinance No. 721-20 Approving a Change of Zone from I-2 to I-3 for MountainTRAX, an Industrial Park located at 7300 47th Avenue (2nd Reading)

Council Member Johnson made the motion, seconded by Council Member Castle to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

- A. Approval of the July 7, 2020 City Council Meeting Minutes

Mr. Becklenberg asked Council Member Neal if he would like to read into record what he would like amended on the July 7, 2020 minutes. Council member Neal accepted, and expanded on his previous comments.

Council Member Speer asked if the changes being requested were in fact verified on audio recording.

Mr. Becklenberg advised that the recordings were unclear due to the face mask covering.

Council Member Johnson made the motion, seconded by Council Member Neal to approve item 7A, July 7, 2020 City Council Minutes as amended. The motion passed with 5 to 1 vote with council member Speer voting no.

8. OLD BUSINESS

- A. Public Hearing: Consideration of Ordinance No: 722-20 Annexing and Zoning Certain Lands Concurrently in Connection with the MountainTRAX Intermodal LLC Petition for Annexation (2nd Reading)

Mayor Pro-Tem Clark opened the Public Hearing at 7:21 p.m.

Mayor Pro-Tem Clark asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Pro-Tem Clark asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Mayor Pro-Tem Clark closed the public hearing at 7:22 p.m.

Council Member Mortenson made the motion, seconded by Council Member Castle to adopt Ordinance No. 722-20 on 2nd Reading as proposed to annex certain territory comprised of 3.86 acres into the City of Evans to concurrently zone the property I-3, with restrictions on certain uses. The motion passed with 5 to 1 vote with Council Member Speer voting no.

9. NEW BUSINESS

A. Consideration of Board of Zoning Appeals and Planning Commission Appointments

Mr. Becklenberg informed the Council that recently an ordinance was approved allowing members of the planning commission and members of the zoning board of appeals to hold other appointed positions within the city. He asked Council to take the action of appointing all members of the planning commission and alternate planning commissioner as members of the zoning board of appeals in order to serve both roles. Second, he requested that Council reappoint planning commissioner, Billy Castillo, to another term of office.

Council Member Speer made the motion, seconded by Council Member Mortenson to appoint the current members of the Planning Commission to also serve as members of the Zoning Board of Appeals. The motion passed with all others voting in favor thereof.

Council Member Speer made the motion, seconded by Council Member Johnson to reappoint planning commissioner, Billy Castillo, as a member of the planning commission and of the zoning board of appeals. The motion passed with all others voting in favor thereof.

B. Consideration of Award of Bid for the 47th Avenue Construction Project

Mr. Becklenberg informed the Council that this was one of the City's largest capital projects of 2020 and asked City Engineer, Mark Oberschmidt to give an overview of the project.

Mark Oberschmidt advised that the City received 11 total bids, and that DeFalco was chosen because of their price, references, and confirmed projects that they have completed.

Council Member Speer expressed her concern with DeFalco missing two items off their original bid.

Mark Oberschmidt advised that the items were not completely left out, but just mislabeled. This did affect the price, however DeFalco's final cost was still below many of the other bidders.

Council Member Castle made the motion, seconded by Council Member Neal to award the "47th Avenue Widening Project" to DeFalco Construction and to authorize the Mayors signature on an agreement in the amount of \$3,503,943.74 with a not to exceed amount of \$3,854,300. The motion passed with all others voting in favor thereof.

C. Consideration of Intergovernmental Agreement with the City of Greeley for 47th Avenue Widening Funding

Mr. Becklenberg provided Council with an overview of the project and because approximately 550 feet of the project is located in Greeley, he recommended that Council approve the IGA allowing Greeley to pay for their share of the project for a total of \$214,823.

Council Member Speer asked if the five water service connections that are going to be installed on the Evans' water main are going to be in Evans or Greeley.

Mark Oberschmidt advised that they will all be in Evans.

Council Member Speer made the motion, seconded by Council Member Castle to approve the Intergovernmental Agreement with Greeley for the 47th Avenue Widening Project and authorize the Mayor's signature on the Agreement. The motion passed with all others voting in favor thereof.

D. Consideration of Resolution Number 23-2020 in Support of the Great Outdoors Colorado Grant to Fund Improvements at Arrowhead Lake Open Space and Tract O Open Space

Mr. Becklenberg provided background information of the project and informed Council that Evans has used Great Outdoors Colorado Grant funding for several projects and has developed great relationships with their staff. He also advised that based on the proposal developed by Evans staff, a project improving both parcels outlined appear to be a feasible grant project, and turned the meeting over to Anne B. Johnson, Community Development Director.

Anne B. Johnson provided Council with an overview of the project.

Mayor Pro-Tem Clark expressed his support for this project.

Council Member Castle commended staff on their hard work towards this project.

Council Member Johnson agreed with Council Member Castle.

Council Member Speer is also in support of this project, but asked staff to take into consideration the staffing needs for the maintenance of this project. She also

asked staff to ensure that the project is properly fenced in order to prevent trespassing onto the Arrowhead lake.

Council Member Neal added that Arrowhead residents have stressed the need for proper fencing and signage around this project

Mr. Becklenberg ensured both Council Member Speer and Neal that the fence and signage are a priority of the City.

Council Member Johnson made the motion, seconded by Council Member Neal to adopt Resolution No. 23-2020 and authorize the City Manager to sign the Great Outdoors Colorado Resilient Communities application form. The motion passed with all others voting in favor thereof.

E. Public Hearing: Consideration of Ordinance Number 728-20 Implementing the Colorado Sales and Use Tax Software System (SUTS) (1st Reading)

Mayor Pro-Tem Clark opened the Public Hearing at 7:53 p.m.

Mr. Becklenberg informed the Council that this ordinance would make our code consistent with a recent U.S. Supreme Court decision to require a retailer who is out of state and online to pay sales tax, and turned the meeting over to Finance Director, Jacque Troudt.

Jacque Troudt provided Council with background information on the Colorado Sales and Use Tax Software System.

Mayor Pro-Tem Clark asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Pro-Tem Clark asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Mayor Pro-Tem Clark asked if there were any questions or comments from the staff.

Council Member Speer asked staff if we were not happy with this software, could we sever ties.

Jacque Troudt advised Council Member Speer that we could in fact end our relationship at any time.

Council Member Neal expressed his support for this software.

Council Member Castle expressed that she is also in favor of proceeding.

Mayor Pro-Tem Clark closed the public hearing at 7:59 p.m.

Council Member Castle made the motion, seconded by Council Member Neal to approve the Sales and Use Tax Software user agreement, and to adopt Ordinance No. 728-20 on first reading. The motion passed with all others voting in favor thereof.

- F. Consideration of Resolution Number 24-2020 A Resolution Rescheduling the October 6, 2020 City Council Meeting

Mr. Becklenberg informed the Council that National Night Out has been rescheduled to October 6, 2020 and requested that the Council reschedule the regular City Council Meeting, which would also be on Tuesday, October 6, 2020 to Monday, October 5, 2020.

Council Member Johnson made the motion, seconded by Council Member Castle to move to adopt Resolution No. 24-2020. The motion passed with all others voting in favor thereof.

- G. Consideration of Resolution Number 25-2020 – Appointment of the Evans Interim City Clerk

Mr. Becklenberg informed the Council that with the departure of our current City Clerk, Evans will need to appoint an Interim City Clerk until we are able to fill the position. He asked Council to appoint Julie Roeder, Administrative Services Director, as Interim City Clerk.

Council Member Speer made the motion, seconded by Council Member Castle to move to adopt Resolution No. 25-2020. The motion passed with all others voting in favor thereof.

10. REPORTS

- A. City Manager

Mr. Becklenberg reported to Council that we are actively recruiting for the City Clerk position. The project to clear debris from the trails on the southern portion of Riverside Park after the flood is going well. Also, weed season is here, and Code Enforcement is diligently working to resolve code issues throughout the City. 17th Avenue has a new water line north of 37th Street and is now clear of any construction activity. The project has come to completion under budget and ahead of schedule. Economic Development and Community Development staff had a successful meeting with Innovative Foods with plans to rebuild in the industrial area.

- B. City Attorney

City Attorney, Scotty Krob, reported that the City continues to be busy with Development items. A memo has been provided to City staff regarding the latest mask wearing order from the governor.

11. AUDIENCE PARTICIPATION (general comments)

There was no audience participation

12. EXECUTIVE SESSION

- A. To Confer with the City Attorney Regarding Possible Purchase, Acquisition, or Transfer of Property, Pursuant to Section 24-6-402(4)(a) and (b), C.R.S.

Council Member Speer made the motion, seconded by Council Member Castle to adjourn into executive session at 8:13 p.m. to Confer with the City Attorney Regarding Possible Purchase, Acquisition, or Transfer of Property, Pursuant to Section 24-6-402(4)(a) and (b), C.R.S. The motion passed with all voting in favor thereof.

The meeting reconvened at 9:01 p.m.

Mr. Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

There was no action following the Executive Session.

13. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.


Julie Roeder (Aug 19, 2020 16:02 MDT)

Julie Roeder, Interim City Clerk

7.21.2020 Approved City Council Meeting Minutes

Final Audit Report

2020-08-19

Created:	2020-08-19
By:	April Smith (asmith@evanscolorado.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAANEjyei3wJfE0OG7ubR5ZKfLik_sgNUiK

"7.21.2020 Approved City Council Meeting Minutes" History



Document created by April Smith (asmith@evanscolorado.gov)

2020-08-19 - 9:32:57 PM GMT- IP address: 75.151.83.137



Document emailed to Julie Roeder (jroeder@evanscolorado.gov) for signature

2020-08-19 - 9:33:16 PM GMT



Email viewed by Julie Roeder (jroeder@evanscolorado.gov)

2020-08-19 - 9:58:41 PM GMT- IP address: 75.151.83.137



Document e-signed by Julie Roeder (jroeder@evanscolorado.gov)

Signature Date: 2020-08-19 - 10:02:23 PM GMT - Time Source: server- IP address: 75.151.83.137



Signed document emailed to Julie Roeder (jroeder@evanscolorado.gov) and April Smith (asmith@evanscolorado.gov)

2020-08-19 - 10:02:23 PM GMT